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09/607,606	06/30/2000	Henry C. Yuen	YUN-13402/03	8540

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/607606	Guer Akers, G
Examiner	Group Art Unit	
	3624	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- Responsive to communication(s) filed on 6/27/02 and 5/28/02.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- Claim(s) 2-3, 6, 8-9 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 2-3, 6, 8-9 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

#### Attachment(s)

- |  |   |
|--|---|
| <input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ | <input type="checkbox"/> Interview Summary, PTO-413                     |
| <input type="checkbox"/> Notice of Reference(s) Cited, PTO-892                             | <input type="checkbox"/> Notice of Informal Patent Application, PTO-152 |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948           | <input type="checkbox"/> Other _____                                    |

#### Office Action Summary

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## **DETAILED ACTION**

### ***Response to Request for Continued Examination(RCE)***

1. This action is furnished in response to applicant's Request for Continued Examination (RCE)(Paper #13) filed 6/27/02 as well as applicant's Amendment A(Paper #11) filed 5/28/02.
2. Claims 1,4-5,7 were cancelled. Dependent claims 2-3,6 were amended. New independent claims 8-9 were added.
3. Claims 2-3,6,8-9 are now pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3,6,8-9 are rejected under 35 USC 103(a) as unpatentable over Godin(US Pat. No:5,890,138) in view of Herz(US Pat. No: 5,754,938).

6. (NEW) As per claim 8 Godin teaches a method of purchasing goods or services over a network(Abstract). Godin teaches the minimum cost of an item(col 3 line 36) and a product street price(col 3 line 38)(Fig 4) as well as a starting price(Fig 4)(col 3 line 33). Godin further teaches a reverse auction method(Abstract)(col 1 line 58-col 2 line 14) as well as soliciting successively lower prices in the reverse auction from a second set of buyers(col 2 lines 1-14) Herz teaches conducting a search over the network to determine the most favorable advertised price for the

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goods or services on a sort by price structure(col 8 line 66-col 9 line 17)(col 14 line 50-57)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/

1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach the above. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

7.(NEW) As per claim 9 Godin teaches a method of purchasing goods or services over the Internet(Abstract). Godin teaches the minimum cost of an item(col 3 line 36) and a product street price(col 3 line 38)(Fig 4) as well as a starting price(Fig 4)(col 3 line 33) thereby obtaining a posted price associated with the goods from this class of vendors from the Internet. Godin further teaches a reverse auction method(Abstract)(col 1 line 58-col 2 line 14) as well as soliciting successively lower prices in the reverse auction from a second set of buyers(col 2 lines 1-14) and the subsequent purchase of the item(col 2 lines 9-14) through the reverse auction process. Godin does not specifically teach sorting items based on price. Herz teaches the method wherein the electronic purchasing of objects over the Internet is presented(col 70 lines 10-14) whereby automated browsing and clustering concepts are used to more effectively group items by price(col 7 lines 19-27) including the lowest price. Herz does teach browsing concepts to permit information retrieval to sort on price(col 70 line 25) as well as the calculation of price differences(col 14 lines 50-57). Herz further teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price

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structure(col 8 line 66-col 9 line 17)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach browsing over the distribution of vendors for favorable prices through heirarchical clustering and categorization labels (col 70 lines 21-27).The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

8.(AMENDED) As per claim 2 Godin teaches the method of claim 8, wherein the network is the Internet(Abstract)(col 3 lines 14-18)(Fig 1/6).

9. (AMENDED) As per claim 3 Herz teaches the method of claim 8, wherein the step of conducting a search over the network includes the use of a search engine(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine.The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

10.(AMENDED) As per claim 6 Herz teaches the method of claim 9, wherein the step of conducting a search over the network includes the use of a search engine(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine.The

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motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

***Response to Arguments***

10. Applicant's arguments filed 5/28/02 have been fully considered but they are not persuasive. Combination of Godin with Herz can be found in the secondary reference in accordance with MPEP procedure where a system that allows users to navigate through a plethora of information in the field of information retrieval technology is enunciated by Herz(col 2 lines 3-10). Applicant concedes that the navigation through a myriad of information by search engines is part of applicant's invention(page 3). The remaining portion of this invention is addressed by Herz. In Herz, target objects are equivalent to products and target profiles are price levels for these target objects(products) as well as characteristics of the products that a user(customer) finds desirable. Herz conducts a sort by price structure to find the most favorable advertised price for a target object(product)(col 8 line 66-col 9 line 17)(col 14 line 50-57)(col 70 lines 10-27)(Fig 16).Herz further employs clustering concepts to effectively group items by price(col 7 lines 19-27) as well as utilizing browsing methods to permit information retrieval to sort on price(col 70 line 25) and the calculation of price differences(col 14 lines 50-57).Godin also teaches submitting a starting bid over the Internet(col 2 line 46) as well as collecting one or more reverse bids over the Internet(Abstract) where each successive reverse bid represents a price lower than the starting price(col 2 lines 48-54) and selecting a final bid from among the reverse bids(col 6 line 37-col 7 line 8)(Fig 12) and purchasing the goods using the final bid(col 6 lines 56-58)(col 2 lines 60-64).

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Combination of Godin with Herz to teach finding the lowest possible price from the differences in prices obtained above and for which the starting bid is un upper bound is then established. The motivation to combine is to teach a system that permits users to navigate through the product information(target characteristics) over a distribution of vendors for favorable advertizing prices using clustering and categorization labels(col 70 lines 21-27) as taught by Herz to obtain the lowest possible posted price(target characteristic) from which to establish a starting bid in the reverse auction.

*Conclusion*

11. **THIS ACTION IS MADE NON-FINAL.**

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12. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-746-7239 or 7240. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA  
July 9, 2002